

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

Whitney Barrel employee

ANNE ANDERSON, et al.

vs

Civil Action
No. 82-1672-S

CRYOVAC, Division of W. R. Grace & Co.;
W. R. GRACE & CO.; JOHN J. RILEY COMPANY,
Division of Beatrice Foods Co.; BEATRICE
FOODS CO.

Deposition of JOHN CAMERLENGO, taken

on behalf of the Plaintiffs, pursuant to the applicable
provisions of the Federal Rules of Civil Procedure,
before Valerie T. Wong, Notary Public within and for the
Commonwealth of Massachusetts, at the offices of
Schlichtmann, Conway & Crowley, 171 Milk Street, Boston,
Massachusetts, commencing at 10:30 o'clock A.M. on
Tuesday, January 14, 1986.

Appearances:

Terry F. Lenzner, Esq.

David Geronemus, Esq.

Rogovin, Huge & Lenzner
1730 Rhode Island Avenue, N.W.
Washington, D.C.
for the Plaintiffs.

William M. Welch, Esq.

Foley, Hoag & Eliot
One Post Office Square
Boston, Massachusetts
for the Defendant W. R. Grace & Co.

Jerome P. Facher, Esq.

Deborah P. Fawcett, Esq.

Hale & Dorr
60 State Street
Boston, Massachusetts
for the Defendant Beatrice Foods Co.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

<u>Deposition of:</u>	<u>Direct</u>	<u>Cross</u>
John Camerlengo	6	54

EXHIBITS

<u>Number:</u>		<u>Page:</u>
1	List of chemicals.	11
2	Acetate overlay.	24
3	Chart.	29
4	Photograph.	48
5	Acetate overlay.	48

1
2 MR. LENZNER: The parties have agreed to
3 reserve objections, except as to form, to the time
4 of trial. We are waiving the filing of the
5 deposition. The witness will sign under the
6 penalties of perjury after having an opportunity to
7 read the deposition, and thereby waiving the
8 notarization.

9 MS. FAWCETT: And we are reserving motions
10 to strike.

11 MR. LENZNER: Correct.

12 MR. FACHER: For this deposition and
13 because of the pendency of the motion, I will not be
14 able to enter into any stipulations only because I
15 don't want to waive any rights with respect to my
16 position that this deposition should not be taken.

17 I demand the deposition be terminated and
18 postponed until the ruling on the motion to quash is
19 heard today at 3:00 o'clock. I, having first
20 informally told people I would make a motion to
21 quash, and then having made the motion and
22 personally delivering it yesterday morning, I ask you
23 and demand you terminate the deposition. I suggest
24 to you that you would be in violation of the Federal
25 Rules by proceeding and therefore, it is my position

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

this deposition should not take place.

MR. LENZNER: Mr. Facher, let me say for the record I was never advised you were about to make a motion to quash the depositions scheduled. I did not learn of the motion until yesterday. I see no reason not to proceed until we have a ruling from the judge. I fully anticipate we will continue with the depositions scheduled.

MR. FACHER: I think I told you informally on Friday, whether or not you recall it. It was served yesterday.

I advise you again that the rules provide that on behalf of the objecting party the deposition shall be suspended until a time that a hearing can be obtained. I have moved expeditiously to get that hearing, which is at 3:00 o'clock today, and any continuation of the deposition will be in violation of the rules.

MR. LENZNER: It is our position that the witness is here. You, as a representing party, frankly, do not have standing to object to this witness's appearance.

MR. FACHER: I suggest - and perhaps the word "education" is wrong - but as a matter of

1
2 courtesy, you at least familiarize yourself with the
3 rule which talks about the objecting party and not
4 about who is taking or not taking the deposition.
5 Any party to the litigation can object and any party
6 can seek a protective order. As a courtesy, I again
7 advise you of that.

8 MR. LENZNER: Thank you. Let's continue
9 on with the deposition.

10
11 JOHN CAMERLENGO,

12 a witness called by the Plaintiffs, first having been
13 duly sworn, on oath deposes and says as follows:

14
15 Direct Examination

16 Q (By Mr. Lenzner) Mr. Camerlengo, could you state and
17 spell your name, sir, for the record?

18 A Camerlengo, C-A-M-E-R-L-E-N-G-O, John.

19 Q Your present residence?

20 A 53 Prospect Street, Woburn.

21 Q How long have you resided there, sir?

22 A About three months.

23 Q Sir, I want to advise you my name is Terry Lenzner.

24 I represent, with another law firm, the plaintiffs in
25 this proceeding.

1
2 A Okay.

3 Q Mr. Facher, Ms. Fawcett and Mr. Welch represent the
4 defendants.

5 If you don't understand any questions that
6 I pose to you, please indicate so and I will try to
7 clarify it for you. If you want to take a break at
8 any time, we will be happy to accommodate you in that
9 regard. We have water and coffee if you want
10 anything.

11 A Thank you.

12 MR. FACHER: I wish to advise you this
13 deposition should not be taking place. It is improper
14 of Mr. Lenzner to interrogate you under the rule. I
15 am going to leave now and go to see Judge Skinner
16 because of this conduct which I believe is improper.

17 I suggest to you this deposition should be
18 suspended. To go ahead with the deposition in the
19 face of the rule is not proper and not consistent
20 with procedure.

21 Q What is your present employment, sir?

22 A I work for myself. I am a carpenter.

23 Q How long have you been self-employed?

24 A Seven years.

25 Q Now, what was -- Was there a time when you were

1
2 employed at the Whitney Barrel Company?

3 A Yes.

4 Q Approximately when was that, what period of time?

5 A 19 years ago. I worked there off and on for three
6 years.

7 Q What was your position there, sir?

8 A I was a laborer.

9 Q So we're talking about approximately 1967, that time
10 period?

11 A '68, '69.

12 Q Did you begin working there approximately 1967?

13 A After I graduated from high school, yes.

14 Q Do you remember where Whitney Barrel was located, what
15 address?

16 A Salem Street; I don't remember the number.

17 Q In Woburn?

18 A Woburn, yes.

19 Q Could you describe the business of Whitney Barrel,
20 what they were doing?

21 A They would recondition steel drums, clean them, paint
22 them and resell them.

23 Q As part of that process what was your job?

24 A Unload the trucks, load the trucks, wash the drums,
25 clean them and paint them.

1
2 Q Do you know whether they were 55-gallon steel drums?

3 A 55, 30, 15, different sizes.

4 Q Do you recall any drums larger than that, say 5000-
5 gallon drums?

6 A No.

7 Q Do you recall when you cleaned the drums, when you
8 received the drums to clean them, would they contain
9 any materials?

10 A They were from different companies they do business
11 with, you know. I don't really know what was in them.
12 All I know is there was a lot of chemicals. What they
13 were, I have no idea.

14 Q When they contained chemicals, sir, would they be of
15 any particular color?

16 A I couldn't tell you. I really don't remember.

17 Q I mean the drums themselves.

18 A No particular color that I can remember.

19 Q Do you recall whether there were any warnings when
20 they contained chemicals?

21 A There was always a lot of warnings, sure.

22 Q Did Whitney Barrel Company during the time period you
23 were there, did they do any work for the Riley
24 tannery?

25 A Not that I recall.

1
2 Q Do you know Mr. Riley?

3 A No.

4 Q Do you recall what was used to clean the drums, whether
5 it was water or soap or chemicals?

6 A Caustic.

7 MR. FACHER: Object to the form.

8 Q Caustic what, sir?

9 A Caustic. Caustic soda? It was some kind of a cleaner
10 soap. It was three different kinds of cleaners there
11 that were used; they were mixed in with the water.

12 Q Do you recall whether or not a company called Stahl,
13 S-T-A-H-L, Chemical or Stahl Finish ever delivered
14 barrels to be cleaned?

15 A Not that I recall, no.

16 Q How about Paule, P-A-U-L-E, Chemical?

17 A No.

18 Q What would happen to the contents of the barrel when
19 it was cleaned? What would happen to the materials
20 cleaned out of the barrel?

21 MR. FACHER: Object to the form.

22 A They would just be cleaned out, washed out into the
23 wash tank, and we would dump the wash tank every so
24 often and refill it.

25 Q The wash tank was something inside a building?

1
2 A Yes.

3 Q How would you dump the wash tank physically, what would
4 you do?

5 A Open the valve and let it drain. There was a big
6 sewer in the middle of the wash room and everything
7 would drain in the sewer.

8 Q Do you know where the sewer ran to?

9 A I have no idea.

10 MR. LENZNER: Let me have this document
11 marked as Exhibit 1 for today.

12 (List of chemicals, marked
13 Exhibit No. 1.)

14 Q Looking at Exhibit 1, sir, would you take your time
15 and review that and see whether or not you recognize
16 any of the materials listed here, first as to whether
17 or not barrels were received by Whitney Barrel that
18 contained any of these materials?

19 MR. FACHER: Objection to form.

20 A Well, I really don't -- I couldn't really tell you
21 what were in the barrels we cleaned. There were
22 markings. I don't remember much about what was on
23 them. I know we worked with trichloroethylene; we
24 used it to clean the head of the drums because if
25 they were -- when you painted on the head with white

1
2 paint, if there was magic marker on it it would
3 bleed off unless you wash the head. We didn't have
4 drums come in with it.

5 The only thing I remember is malathion on
6 drums. We did about 10,000 of them the first year,
7 the first summer I worked there. Mr. Whitney had a
8 contract with the government at the time. We had a
9 bunch of them and they were up in his property in
10 North Woburn and we moved them down to the Salem
11 Street plant. We cleaned them all one summer, 10,000
12 drums. Other than that, I couldn't tell you any
13 other things.

14 Q Okay.

15 A They don't mean anything to me.

16 Q Now, did you say that was a United States government
17 contract?

18 A That is what I was led to believe. I was only a kid.
19 That is what he told me.

20 Q Mr. Whitney advised --

21 A I said, "Jack, they smell so bad. How many of these
22 do we have?" He said, "10,000. We got a government
23 contract."

24 Q This was Mr. Jack Whitney, Senior?

25 A Yes.

1
2 Q Since deceased?

3 A Yes.

4 Q Approximately what year was that, sir?

5 A '67.

6 Q And --

7 A It was '67. It was right after I graduated high
8 school.

9 Q Did you participate in the cleaning of those drums?

10 A Yes, I did.

11 Q Can you describe what the drums looked like, whether
12 they had a particular color?

13 A I really can't remember. I remember the green letters
14 on them that said malathion. What color the drum was,
15 they could have been a white or orange. It is 19 years
16 ago.

17 Q Sure.

18 When the drums were cleaned did you observe
19 the chemical you described as malathion in the drums?

20 A There was a little of something in all the drums.

21 Most of them had a little something on the bottom,
22 not much, you know.

23 Q When those drums were cleaned was the residue of the
24 drums put in what you called the waste dump?

25 A It was a big sewer.

MR. FACHER: He didn't call it the waste dump.

Q Describe it again, sir.

A It was a sewer where everything was drained, you know, after a week or whatever. They would all go in the sewer.

Q So the residue from the barrels was put in a tank, was washed in a tank; is that correct?

MR. FACHER: Objection.

A We dump it in the sewer before we put it on the machine to clean it.

Q You would first pick the drum up and dump the contents of the drum in the sewer; is that correct?

A Yeah.

Q And then you would take the empty drum and put it through a cleaning process?

A Right.

Q Were all 10,000 drums cleaned in the manner you just described, that is the contents were dumped in the sewer?

A Yes.

Q Is that correct?

MR. FACHER: Objection.

Q And they were taken and cleaned?

1
2 A Yes.

3 Q With regard to the cleaning, do you know whether any
4 chemicals were used of any kind in the cleaning of
5 those 10,000 drums?

6 A As far as I know, no.

7 Q About how long a time period did this particular job
8 take?

9 A All one summer. We could only do about 150 a day, 200
10 on a good day.

11 Q How were the drums transported from -- Did you say
12 Whitney had a place in North Woburn?

13 A We loaded them on the truck, bring them down and unload
14 them.

15 Q Whose truck was that, sir, do you know?

16 A Mr. Whitney's truck.

17 Q Can you describe it?

18 A Barrel truck, very high truck, long and straight truck.
19 You could stack barrels three high.

20 Q What were the sides made of?

21 A The sides?

22 Q Yes. Were there wooden slats?

23 A A metal truck.

24 Q Do you remember the names of any other employees who
25 participated in that?

1
2 A Tommy Clark, Bobby Dekow, Albert Brown. There was
3 maybe one other guy; I can't remember who he was. I
4 knew these guys. There was probably one other guy
5 there that worked at the time who I was not really
6 friendly with.

7 There may have been other people. There
8 was a lot of people who came and went; they didn't
9 stay too long because it was sort of a dirty job.

10 Q Were you given any instructions by anyone with regard
11 to the care or handling of these drums?

12 A No.

13 Q Did you wear any special clothing at the time you
14 were working on them?

15 A We wore rubber boots and rubber gloves no matter what
16 we worked on. The water we worked with was always
17 hot and, you know, you didn't want to get -- there
18 was caustic in it and you didn't want to get any of
19 that on you.

20 Q Let me see if I can clarify this one thing.

21 When these drums arrived on the property,
22 sir, the first thing you would do is take them and
23 dump whatever was in the drums into the sewer?

24 A The first thing you do is unload the drums into the
25 back warehouse where the drums to be cleaned would

1
2 stay. Whoever was in charge, you know, of doing the
3 washing, there was washing and drying because everyone
4 had different jobs, you dump the drum and do the
5 washing end.

6 Q You would first dump the drum in the sewer?

7 A Yes.

8 Q Then it would be washed?

9 A Yes.

10 Q Was the liquid that resulted from the washing, is that
11 something that ends up in the basin?

12 A That would end up in the wash tank and the wash tank
13 would be dumped at the end of the day or weekend or
14 whatever, depending on how much work we had done, how
15 dirty it had gotten.

16 Q It all went in the sewer?

17 A Yes.

18 Q The basin, whether it be at the end of the week or
19 whenever, would be dumped also into the sewer?

20 A Correct.

21 Q Did there ever come a time when you were there when
22 the sewer was cleaned?

23 A I don't remember. I am sure there must have been.

24 Q You didn't observe it?

25 A No.

1
2 Q Were you ever present when the sewer backed up?

3 A Yes. It used to do it quite often.

4 Q What would happen when it backed up?

5 A The washroom would be flooded for a while and it would
6 all go down.

7 Q Was there ever an attempt made to take the liquid from
8 the backup out of the plant?

9 A No.

10 Q During the time period when the sewer backed up and
11 you had barrels coming in, where were those barrels
12 dumped?

13 A Well, the sewer backed up when, it was usually at the
14 end of the day, so there wasn't any other work to be
15 done. We would drain the tank at the end of the day
16 and that is when the sewer would back up, but we would
17 be done with our washing for the day. That never came
18 up.

19 Q So there never came a time when the sewer was backed
20 up and you couldn't dump drums?

21 A Right.

22 Q Is that correct?

23 A Uh-huh.

24 Q Were the drums for the United States government
25 contract 55-gallon drums?

1
2 A Yes.

3 Q Now, you said earlier, I believe, that you used one
4 of the items in Exhibit 1, and that is the sixth item
5 down on the list?

6 A Trichloroethylene, yes.

7 Q Can you describe what container that was in when you
8 were using it?

9 A It came in 55-gallon drums.

10 Q How would you apply that?

11 A With a rag. It had a pump on it, on the top of it,
12 and you pump it into the rag, wipe off the head of
13 the drum that was being prepared for painting.

14 Q It was just applied to the head of the drum prior to
15 painting?

16 A Yes.

17 Q Approximately how many of these 55-gallon drums
18 containing that chemical were on the premises during
19 the time period you were working there?

20 MR. FACHER: At one time?

21 MR. LENZNER: At one time.

22 A Just one at one time.

23 Q That is what I want to understand.

24 A Just one. When that was finished we would get another
25 full one.

1
2 Q Do you know who Mr. Whitney purchased that chemical
3 from?

4 A I have no idea.

5 Q Were you given any specific instructions on how to
6 handle that particular kind of chemical?

7 A Don't smoke.

8 Q Other than don't smoke?

9 A No. That is about all we were told.

10 MR. FACHER: That is enough.

11 Q What was done with those barrels when new barrels
12 came in containing trichloroethylene?

13 MR. FACHER: Wait a minute. What was done
14 with --

15 Q What was done --

16 MR. FACHER: -- with the old barrel?

17 Q You had an old barrel?

18 MR. FACHER: Thank you.

19 A Uh-huh.

20 Q You had an old barrel that contained this material?

21 A Yes.

22 Q A new barrel would come in?

23 A Right.

24 Q What would happen to the old barrel?

25 MR. FACHER: It did not contain material.

Presumably, the first one was empty.

Q The first question is: What was done with the old barrel of trichloroethylene?

A It was cleaned and painted and sent out with the rest of the drums.

Q The drums containing the trichloroethylene was also reconditioned at Whitney Barrel?

A Yes.

Q If any material was left in the barrel, what was done with the trichloroethylene?

MR. FACHER: Objection to the form.

A Dumped.

Q In the sewer?

A Yes.

Q Approximately how many barrels of trichloroethylene were used on a monthly basis while you were working there?

A We probably would only use one a month.

Q One a month?

A Yeah.

Q In cleaning the barrel, sir, were brushes used?

A Yes.

Q Can you describe what they look like?

A Long wooden handles, bristles about two inches long.

1
2 Q Approximately how long was the handle? Was it a foot,
3 two feet?

4 A A foot and half, two feet.

5 Q When these long-handled brushes were to be disposed of,
6 do you know how they were disposed of?

7 A I have no idea.

8 Q And those brushes were used in the regular course of
9 business at Whitney Barrel for cleaning the tanks?

10 A For cleaning the drums, yes.

11 Q I take it with regard to this United States contract,
12 the government contract, were all 10,000 barrels on
13 the Whitney Barrel property at the same time?

14 A I really have no idea. He had the property in North
15 Woburn. He had property on Salem Street. We had them
16 in both places. I know we had a lot of them.

17 Q Were they stored out back of the Salem Street
18 property?

19 A Well --

20 MR. FACHER: Object to the form.

21 THE WITNESS: They were on the side or
22 directly behind the washroom , the warehouse where
23 we would bring the drums before they went in the
24 washroom.

25 MR. LENZNER: Let me have this chart

1
2 marked as an exhibit for today.

3 MR. FACHER: Would you describe what that
4 is, what it purports to be, who prepared it?

5 MR. LENZNER: What will be marked as an
6 exhibit purports to be a representation of certain
7 property in Woburn, Massachusetts, which includes the
8 John J. Riley tannery, Murphy's Waste Oil, Whitney
9 Barrel and Aberjona Auto Parts. There is also a
10 brown line running through a piece of property which
11 is known as the Wildwood Conservation Trust
12 property, which is a dotted line -- with a dotted
13 line around part of it, and the other part is
14 bordered by a solid line. There is also a line for
15 the B & M Railroad.

16 MR. FACHER: You suggest that is to scale?

17 MR. LENZNER: I have no idea, sir.

18 MR. FACHER: You suggest that is
19 representative of the property at any given point in
20 time?

21 MR. LENZNER: What I would like to do is
22 ask the witness whether he recognizes this to be a
23 graphic representation of where the properties were.

24 MR. FACHER: The witness is here without
25 counsel. I am sure he has not been deposed before.

1
2 I think he should be helped in whatever way possible.

3 MR. LENZNER: I don't represent this is to
4 scale because I don't know.

5 MR. FACHER: You don't know what the date
6 of it is? Is the blue line suppose to be the river?

7 MR. LENZNER: Part of which is missing,
8 yes.

9 MR. FACHER: It is mighty wide for the
10 Aberjona. Have you seen it?

11 MR. LENZNER: I have not.

12 MR. FACHER: It is dignified by being
13 called a river.

14 Q You have seen the Aberjona River?

15 A Supposedly, yeah. It is not much of a river.

16 MR. FACHER: They used to call it a creek
17 where I came from in Pennsylvania.

18 (Acetate overlay, marked Exhibit
19 No. 2.)

20 Q Now, if you would just mark with a "1" where barrels
21 were stored, approximately?

22 MR. FACHER: Before you do that, I can't
23 see.

24 MR. LENZNER: Let me hold it up.

25 MR. FACHER: You're asking him in the grey

1
2 area marked Whitney Barrel?

3 Q First of all, draw on the acetate overlay where the
4 buildings are, approximately.

5 A (Witness complies).

6 This is the office up here (Indication).

7 Q Why don't you write office on that, sir?

8 A The main building starts here and this was an open
9 area with a roof on it where the trucks used to park
10 (Indication).

11 Q Let's slow down.

12 The first rectangle you drew, why don't you
13 mark that as 1.

14 A (Witness complies).

15 Q Let's --

16 A That is where drums were stored after they were
17 painted, after they were reconditioned.

18 Q And then --

19 A Then the truck backed in the dock and --

20 Q Would you put a D for dock?

21 A (Witness complies).

22 The barrels were stacked there (Indication).

23 Q Then put a 2 in the next rectangle and describe what
24 that rectangle was.

25 A Where the drums were stacked on the side here before

1
2 they were painted. The paint booth was right here
3 (Indication).

4 Q You put a smaller rectangle inside the building where
5 you marked 2, and that is the paint room?

6 A Well, this is -- this was the paint room where the
7 barrels were stored after they were washed. There was
8 a machine back here where you put the drums on to make
9 them round again.

10 Q That is in the back of 2?

11 A In the back of 2.

12 This was the washroom here (Indication),
13 where the drums were washed and where the sewer was
14 located in the middle of the washroom.

15 There was a platform out back where the
16 drums were stored before they came in to be washed.

17 Q Could you put a 3 in the washroom and a 4 in the area
18 where they were stored?

19 A (Witness complies).

20 Q Is 4 open or closed?

21 A It was open and then a roof was put on later.

22 Q Approximately how much later?

23 A About five, six years later.

24 Q This is after you left?

25 A I left and went back. Going to college I went to work

1
2 there again for a while. The roof was on there then,
3 the second time I went back, and then drums were piled
4 along the sides here and in the back (Indication).

5 MR. LENZNER: I think the witness has
6 marked to demonstrate where the barrels were stored on
7 the sides and in back of the building with a roman
8 numeral one.

9 Q What do you want to call --

10 MR. FACHER: That is the shape of the
11 barrel, I think. If you have been on the property
12 you would probably know what the witness is trying to
13 depict.

14 MR. LENZNER: I haven't been on the
15 property.

16 MR. FACHER: I don't want this to indicate
17 the barrels are off the Whitney Barrel property
18 because that is not what the witness has testified,
19 although the brown paint seems to have slipped off the
20 area.

21 Q Let me ask you this: Do you know whose property this
22 was when you were working at the Whitney Barrel
23 Company (Indication)?

24 A I have no idea.

25 MR. FACHER: You're talking about the

Whitney property?

MR. LENZNER: I am talking about the property outlined in white which is not marked but which we know to be the Wildwood Conservation Trust property.

THE WITNESS: I have no idea.

Q Did there ever come a time when you walked through the property in the back behind the Whitney Barrel Company?

A Yes.

MR. FACHER: Can we agree to the extent that communicates barrels on the other property, Terry, that is not what the witness intended?

THE WITNESS: That is not what I intended.

Q Do you even know where the property line is of Whitney Barrel?

A I have no idea.

Q Thank you.

Now, sir --

MR. FACHER: I think you better mark the underlying chart separately. You never know when those things get lost.

MR. LENZNER: Let me put on the record this is Exhibit 2 to the Kaine deposition of

1
2 September 10, 1985.

3 MR. FACHER: But you will also mark it for
4 this deposition?

5 MR. LENZNER: Why don't we mark that as
6 Exhibit 3 for today?

7 MR. FACHER: All right.

8 MR. LENZNER: Let the record reflect we are
9 talking about the underlying chart as Exhibit 3 for
10 today.

11 (Chart, marked Exhibit
12 No. 3.)

13 MR. FACHER: Are you aware, Mr. Lenzner,
14 Mr. Whitney has already been deposed on many of the
15 same subjects? There has been a deposition of Whitney
16 Barrel.

17 You're looking at me in amazement?

18 MR. GERONEMUS: I am looking at you in
19 amazement that you are asking that question.

20 MR. FACHER: Why?

21 MR. GERONEMUS: Of course we're aware of
22 that.

23 MR. FACHER: You're aware there is some
24 repetition taking place?

25 MR. GERONEMUS: Different witnesses have

different recollections.

MR. FACHER: I understand. I want to make sure you're aware of it. When the time comes your awareness may be relevant.

Q Can you tell us, sir, approximately when did you first go on the property behind the Whitney Barrel Company?

A Probably when I first started working there.

Q Approximately 1967?

A Yes.

Q Can you describe, first of all, sir, how far back into the property behind the Whitney Barrel Company you went?

A I've gone all the way down the road. I was down there before Olympia Avenue was built. It was a dirt road that followed the railroad tracks.

Q Did the dirt road run to the railroad tracks?

A The dirt road was like this (Indication).

Q You are pointing to the --

A It eventually got beside the railroad tracks.

Q Your testimony is you walked down that dirt road?

A Sure.

Q All the way down the dirt road?

A Yes.

1
2 Q Approximately how many times between 1967 and today
3 have you been down that area?

4 A Have I been down the dirt road?

5 Q Yes.

6 A Not since I worked there, which could have been '67,
7 '68, '69.

8 Q I am asking how many times, approximately, did you
9 walk down that road.

10 A I was down there plenty of times.

11 Q Did you ever go down with other people?

12 A Sure.

13 Q Can you describe the property when you went down
14 there, what did it look like?

15 MR. FACHER: Object to the form.

16 A Just looked like a dirt road with a lot of shit on
17 the side of it.

18 Q Were there objects lying around on the ground?

19 A Yeah.

20 Q Can you describe what those objects were?

21 A Old barrels and parts of cars, just a lot of trash and
22 junk that had been thrown there over the years.

23 Q In the period from 1967 through 1969, did you observe
24 that kind of debris there?

25 A Yes.

1
2 Q What was the condition of the barrels that you
3 observed at that time?

4 A Old, rusted out.

5 Q Were there any markings on them?

6 A Not that I recall.

7 Q Do you remember what color they were?

8 A No, just all rusted.

9 Q Were they laying by the side of the road that you
10 described, where you pointed to a brown line through
11 the property?

12 A Yes.

13 Q Could you take this marker and, to the best of your
14 recollection, mark with an X approximately where you
15 saw those barrels?

16 A Well, the road went back and off to the side a little
17 ways here (Indication). As soon as you get around
18 the bend here (Indication), there was just stuff on the
19 sides.

20 Q How far up the road did it continue?

21 A There was stuff all the way along. The further up you
22 went the less there was.

23 Q Could you mark an A by the bend where you first
24 started to observe the barrels?

25 A I can only guess where the bend was. I would say

roughly the road went this way (Indication).

Q Did you observe any liquid on the ground at that time around that area?

A No.

Q You didn't stop and look carefully at the barrels to see if there were markings on them?

A No.

Q Did you notice any other objects on the ground?

A Not that I recall, outside of a lot of trees and branches and maybe some tires. There was just trash thrown along the sides of the road.

Q Tell me what size the drums were if you could tell.

A They were just regular 55-gallon drums.

Q Did you notice any long-handled brushes in the area?

A I don't remember.

Q How about any pesticides or DDT?

A Not that I recall.

Q Could you tell from the drums whether they were from any particular company?

A No.

Q Could you tell from the drums what they contained?

A No.

Q Could you tell whether they were empty or contained any liquid?

1
2 A No.

3 Q Were they laying on their sides or standing up
4 straight?

5 A On their sides.

6 Q Did you ever see anyone at any time place any drums
7 in that area that you just described?

8 A No.

9 Q Did there come a time when you went down that road
10 with other individuals?

11 A Yeah.

12 Q Can you identify those, please?

13 A I don't remember who I went down there with, whoever
14 happened to be working there.

15 Q Can you recall any specific names of people who
16 worked there who were with you when you observed
17 these drums?

18 A The only one I can really remember is Tom Clark, but
19 he is no longer with us either.

20 Q Does that mean he is deceased?

21 A He is deceased, yeah.

22 MR. LENZNER: Off the record.

23 (Discussion off the record)

24 Q Did you ever see any trucks down that road?

25 A No.

1
2 Q Did you ever go off the road and wander around the
3 rest of the property?

4 A Yes.

5 Q Did you observe drums in other parts of the property?

6 MR. FACHER: Object to the form.

7 A No.

8 MR. FACHER: The witness does not have to
9 be led by you.

10 THE WITNESS: Everything was on the side of
11 the road, anything that happened to be there.

12 Q Did you see any debris of any kind off the side of the
13 road other than by the side of the road?

14 A Not that I recall, no. It was mostly right by the
15 side of the road. It was just mostly woods.

16 Q Can you approximate the number of barrels that were
17 by the side of the road?

18 A 15 or so, roughly.

19 Q And that is from the beginning of where you marked A
20 to the end of the road?

21 A Right.

22 Q Approximately 15 barrels?

23 A That I can remember.

24 I remember an old car being there, tires
25 and trash.

- 1
- 2 Q Did you discuss what you saw with anyone?
- 3 A No.
- 4 Q Did you tell Mr. Whitney about it?
- 5 A No. I assumed everyone knew. Everyone else was down
- 6 there.
- 7 Q Do you recall approximately when the last time was you
- 8 walked down that property, sir?
- 9 A Roughly '68, '69.
- 10 Q You said you had been back working for Whitney
- 11 subsequent to 1969; is that correct?
- 12 A Yes. I don't remember the date exactly.
- 13 Q Do you remember approximately what year that was?
- 14 A Maybe '71.
- 15 Q The same type of job?
- 16 A Yes.
- 17 Q Did you go on the property behind Whitney Barrel at
- 18 that time?
- 19 A I really don't think I did. I don't recall. When I
- 20 went back to work the second time I wasn't there too
- 21 long.
- 22 Q Approximately how long were you there?
- 23 A A couple of months.
- 24 Q Do you know whether they were still using
- 25 trichloroethylene to clean the barrels at that time?

1
2 A I believe they were.

3 MR. FACHER: They weren't using trichloro-
4 ethylene to clean the barrels.

5 THE WITNESS: Just the heads.

6 MR. LENZNER: Thank you.

7 Q Did you observe 55-gallon drums on the Whitney Barrel
8 property at that time containing that chemical?

9 MR. FACHER: What time are we talking
10 about?

11 MR. LENZNER: 1971.

12 A Just the one drum we always had in the shop.

13 Q Do you recall whether you were employed at Whitney
14 Barrel during May of 1971?

15 A I don't remember.

16 Q Do you recall learning about a letter to Mr. Whitney
17 from the Board of Health regarding drums on his
18 property -- Excuse me -- drums found on the property
19 behind the Whitney Barrel Company?

20 A I really don't.

21 Q Mr. Whitney never discussed with you receiving a
22 letter of some kind from the Board of Health?

23 A No.

24 MR. FACHER: Is that an exhibit?

25 MR. LENZNER: No.

1
2 Q Were you ever asked at any time to assist in cleaning
3 up any of the debris that was on the property behind
4 Whitney Barrel?

5 A No.

6 Q Going back to Exhibits 2 and 3, that brown line that
7 you described you walked on, did that lead all the
8 way down to -- it appears on the chart to lead all
9 the way to Salem Street; is that an accurate
10 representation?

11 A It leads to Salem Street but it was on the auto parts
12 property, at least that is how it looks. It was our
13 own road that came down here and came into the
14 Whitney Barrel plant itself (Indication). You went
15 off the road and got onto this other road that ran
16 through Aberjona Auto Parts.

17 Q For the sake of the record, would you draw in the
18 road that ran through Whitney Barrel Company that
19 you described which led onto the brown line?

20 A There was a paved driveway in the front and then a
21 dirt road that started off on the side between the
22 office and --

23 Q I'm sorry, you have drawn a brown perpendicular line
24 that starts --

25 A Off the driveway.

1
2 Q Would you mark the driveway with a D?

3 A (Witness complies).

4 Q That is the driveway?

5 A Yes.

6 Q So you could drive in on --

7 A You swing by the office and a dirt road started, ran
8 beside the building. In the back it went like this
9 in the bend (Indication). The other dirt road came
10 in here (Indication).

11 Q Referring to the dirt road by the Aberjona Auto
12 Parts?

13 A Yes.

14 Q Would you mark as C the dirt road that you described
15 that runs by the building into the dirt road that
16 runs onto the property behind Whitney Barrel?

17 A (Witness complies).

18 Q Thank you.

19 Was this road accessible by vehicles, the
20 road I am pointing to as C?

21 A Yes.

22 Q As C progressed into the property behind Whitney
23 Barrel, was there also -- was this also accessible
24 by vehicles?

25 A Yes.

1
2 MR. FACHER: I am going to excuse myself.
3 If you wish to accompany me, I am going over to the
4 courthouse, you or Mr. Geronemus.

5 MR. LENZNER: Why don't you advise
6 Mr. Geronemus you are leaving and see if he wants to
7 go with you?

8 MR. FACHER: All right.

9 Q I take it there were no fences or obstructions to
10 vehicles on the road by the Aberjona Auto Parts; is
11 that correct?

12 A There were no fences as far as I know.

13 Q How about on the road of Whitney Barrel, any fences or
14 obstructions to stop a vehicle from going up the
15 road?

16 A There was a main gate at the driveway.

17 Q Driveway of Whitney Barrel?

18 A There was a main gate, yes.

19 Q Okay.

20 A Other than that, there was no other obstruction.

21 Q Was that gate kept locked at any time?

22 A When the company was closed at 5:00 when we left.

23 Q Do you know if a similar gate was on the property of
24 Aberjona Auto Parts?

25 A Yes. They didn't have -- The road was closed off at

1
2 night.

3 Q Was there any other road leading into the dirt road
4 that you described as having walked down behind the
5 Whitney Barrel Company?

6 A No.

7 Q So the two ways to access the road you marked as A
8 was either through the driveway of Whitney Barrel or
9 through Aberjona Auto Parts?

10 A Right.

11 (Interruption)

12 (Recess)

13 Q Sir, do you know of any problems that Mr. Whitney ever
14 had with the public health authorities or with the
15 police?

16 A No.

17 Q Now, did there ever come a time when you were
18 instructed to go on the property behind Whitney
19 Barrel?

20 A A couple of times I was.

21 Q And who instructed you to do that, sir?

22 A Mr. Whitney.

23 Q What did he tell you to do?

24 A Take some drums that had poison in them and dump them
25 down the side of the road.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q Did you follow his instructions?

A Yes, I did.

Q Approximately when was that?

A 1967 or 1968.

Q Can you take the marker and show us approximately where you did that, where you dumped the poison?

A About either side of the road here where the trash was (Indication).

Q Can you mark a P on the chart?

A (Witness complies).

Q What was the poison?

A I have no idea. It was a 55-gallon drum. I didn't know what it was. It was only a couple of times certain drums would come in that he would say take them down the back road.

Q And dump them?

A Off the side of the road.

MR. FACHER: Are we talking about Mr. Whitney, Senior?

MR. LENZNER: That is a good question.

THE WITNESS: Senior.

Q Did you ever get that instruction from any other individual?

A No.

1
2 Q Were the drums placed in a truck, some kind of a
3 truck?

4 A We had small trucks.

5 Q Approximately how many drums would there be?

6 A Two or three.

7 Q At a time?

8 A Yes.

9 Q Would someone assist you with the drums when you did
10 this?

11 A Whoever else happened to be working. I don't remember
12 who I was down there with. It was so long ago.

13 Q You don't remember today who was with you at the time?

14 A No.

15 Q Do you remember any markings on the drums themselves?

16 A No.

17 Q Were you given any instructions as to how to handle the
18 material inside the drums at the time, other than to
19 dump it?

20 A No.

21 Q Did you wear protective clothing when you --

22 A We had our boots and gloves. We always wore boots and
23 gloves.

24 Q Did Mr. Whitney, Senior describe to you why he wanted
25 to dispose of the materials this way?

1
2 A No. He just said to dump it down the side of the road.
3 He didn't want it in the wash tank.

4 Q Because --

5 A We were supposedly washing drums off and he didn't
6 want to wash drums off with something with poison; I
7 don't know. I guess that is what I assumed.

8 Q Did he so indicate that is what it was?

9 A He just called them poison drums. Once in a while we
10 would get them, not that often.

11 Q These were drums that were being reconditioned?

12 A Reconditioned.

13 Q So you would take them down the road and then dump the
14 contents?

15 A Right.

16 Q And bring them back and --

17 A And they would be cleaned and reconditioned.

18 Q Over the period of time between 1967 and 1969, do you
19 know approximately how many times you were instructed
20 to do that?

21 A Not very many, maybe a half dozen.

22 Q Were other employees instructed during that period of
23 time to do that, to dump the poison?

24 A I couldn't tell you. I could only guess they were.

25 Q Were you present at any time when Mr. Whitney, Senior

1
2 instructed any other employees to dump in the back?

3 A I really don't recall. I really couldn't tell you.

4 Q Do you know whether Mr. Whitney had permission to do
5 that?

6 A I have no idea.

7 Q He didn't advise you one way or the other?

8 A No.

9 I just assumed it was his land to do it, to
10 be honest with you.

11 Q Do you know what company the drums were provided by?

12 A I couldn't recall that.

13 Q Do you know if it was a chemical company of some kind?

14 A We did work for Baird & McGuire.

15 Q Baird and --

16 A Baird & McGuire, a lot of work.

17 Q Did you ever notice whether there was a manhole in the
18 area that you have marked with a P?

19 A I never noticed.

20 Q So the dumping of the 55-gallon drums was always just
21 dumped on the ground?

22 MR. FACHER: Object to the form.

23 A Yes.

24 Q It was never dumped down a manhole or sewer?

25 A No, off the side of the road.

1
2 Q Were there occasions when you revisited the land where
3 you could see the liquid that had been dumped?

4 A No. It wasn't that much in the drum; it was small
5 amounts.

6 Q Approximately how full were the drums, do you
7 remember?

8 A They weren't very full, maybe an inch or so of liquid
9 in the bottom.

10 Q Did you ever see any maintenance people going on the
11 property behind the Whitney Barrel Company?

12 A No.

13 Q Other than the instruction you received from
14 Mr. Whitney, Senior, did you discuss the dumping with
15 any other employees of the company?

16 A Not that I remember, outside of my friend, Tom Clark.
17 Like I said, he is no longer with us. We were best
18 friends and we hung around together. We got the same
19 jobs together.

20 Q So he would have been one of the individuals who went
21 with you?

22 A More than likely. I can't really recall.

23 Q Did Mr. Whitney, Senior specify as to where he
24 wanted the poison dumped?

25 A He said to go down the back road and just, you know,

1
2 dump off the side of the road; that was it.

3 Q Were there any particular spots or locations that you
4 used on each occasion when you dumped these drums?

5 A No place special, just wherever there was already
6 trash. Like I say, there was a lot of trash on the
7 sides of the road there.

8 Q Did you ever go further down the road than where you
9 have placed the markings indicating drums by the
10 side of the road?

11 A Not with any drums.

12 Q You did walk down?

13 A I had walked down.

14 Q Can you recall whether you saw any debris on the sides
15 of the road beyond where you have already marked the
16 drums?

17 A There may have been a few. There were pieces of
18 cardboard or whatever, but there wasn't really much.
19 It was mostly like behind the bend there. There was
20 like an abandoned car, some drums and whatever.

21 Q Did you ever see any employees of Aberjona Auto Parts
22 on the property behind Whitney Barrel?

23 A No.

24 Q Did you ever see any employees of Murphy's Waste Oil
25 behind the Whitney Barrel property?

1
2 A No.

3 Q How about employees of the Riley tannery?

4 A No.

5 Q Did you know any employees of the Riley tannery?

6 A No.

7 I don't even remember if Murphy's Waste Oil
8 was there, to be honest with you.

9 MR. LENZNER: I would like to have marked
10 as Exhibit 4 the underlying photograph which was
11 previously marked Whitney Exhibit 1, and the acetate
12 overlay as Whitney Exhibit 5.

13 MS. FAWCETT: Is that acetate overlay
14 currently blank?

15 MR. LENZNER: It is blank.

16 (Photograph, marked Exhibit
17 No. 4.)

18 (Acetate overlay, marked
19 Exhibit No. 5.)

20 Q Can you look at Exhibits 4 and 5, sir, and mark in
21 red the road that you have described walking down
22 behind the Whitney Barrel Company?

23 A That would be right here (Indication). It goes off
24 into the woods.

25 Q Can you mark that, please?

A (Witness complies).

MR. LENZNER: The witness has marked a red line as A.

Q That is the road that you have been describing as the one you walked down toward the tracks?

A Yes.

Q And ended up at the end of that line?

A The road I just -- I would imagine the road keeps on going.

Q Did you walk all the way down?

A I would walk to where the bridge is on Olympia Avenue. Olympia Avenue was not there at the time, but it was roughly that far down.

Q Could you mark with Bs where you saw drums lying on the side of the road?

A (Witness complies).

Q Could you mark with a C the approximate areas where you recall dumping the 55-gallon drums?

A Same area.

Q If you would mark that?

A (Witness complies).

Q You're indicating that is the same area as B?

A Yes.

MS. FAWCETT: Where you say he dumped drums?

MR. LENZNER: Yes.

MS. FAWCETT: He has not testified he dumped drums.

Q Dumped the contents of the 55-gallon drums per instruction of Mr. Whitney, Senior; is that correct?

A Just a small amount in the bottom of the drum.

Q Now, looking at this aerial photograph, there are objects you can make out on the side of the road there. Do you recall seeing those objects?

A I really don't recall. As I say, it is a long time ago since I was down there. All I remember is a few drums, a car and a few heads of the drums.

Q Do you know what those objects are beyond what you marked as B and C?

A I have no idea. They may be gas tanks. I really don't remember.

Q Could you describe a gas tank?

A They were cleaned by Whitney.

Q Could --

A They were 5000-gallon tanks; 8000; 15,000; 20,000.

They were used in gas stations to hold the gasoline.

They would be reconditioned by another guy who worked

for Mr. Whitney; he was a welder or whatever. We

didn't have anything to do with them.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q Do you know whether those were cleaned of gas before they were --

A They would have to be cleaned before we could do anything with them.

Q Do you know what was done with the gas?

A I have no idea. Like I say, I didn't work that part of the operations; that was a separate operation.

Q Do you recall at any time seeing any of the gas tanks when you walked down the road that we marked as A here?

A I don't remember any gas tanks down beyond, you know, where the bend is here.

Q Why don't you mark the bend as D?

A (Witness complies).

Q So your testimony is you didn't see any gas tanks beyond D?

A I don't recall seeing any.

Q When you observed the drums on the side of the road you say they were rusted?

A Yes. They looked like they had been there for a while.

Q Were there tops on them?

A What I remember is they were just all rusted through. If there were tops on them, I really don't recall. They were laying on their sides and were rusted.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q So they were not completely closed or sealed?

A Yes.

Q Part of them were open from rust?

A Right.

Q Did you see drums on occasion when you were walking down that road that appeared to be recently left there?

A No.

Anything that looked reasonably good that was going to be cleaned would always be stored around the building or inside the building. We always stored drums on the sides or back in here (Indication).

Q Why don't you mark the sides E?

A (Witness complies).

Q And an E for the back?

A (Witness complies).

Q When you went down the road that you marked as A, what reason did you go down there other than the occasions when Mr. Whitney, Senior instructed you to do so?

A Wander down, be nosey and see what was there.

Q To wander down there?

A Yeah.

1
2 Q Have you ever heard of the Roy Brothers Company?

3 A Yeah. I don't know where I heard of them.

4 Q Did they do business with them?

5 A They may have. That may be where I heard of them.

6 MS. FAWCETT: Who is the "them"?

7 Q Do you know whether or not they ever did business with
8 Whitney Barrel?

9 A I don't know.

10 Q You don't know of any specific incident between the Roy
11 Brothers and Whitney Barrel?

12 A No.

13 Q Do you know from any source who deposited the drums you
14 did observe behind the Whitney Barrel Company?

15 A No.

16 Q Do you know from any source whether or not permission
17 was given to dump, to deposit such drums on that
18 property behind the Whitney Barrel Company?

19 MS. FAWCETT: Object to the form.

20 A I have no idea.

21 Q You have no idea?

22 A No.

23 Q Do you have any information as to whether or not any
24 monies were paid in return for dumping or leaving the
25 barrels on that property?

MS. FAWCETT: Objection.

A I have none.

Q Did you receive a call last week from the law firm of
Hale & Dorr?

A I couldn't tell you. I don't answer the phone.

Q Have you discussed your testimony with anyone
subsequent to the time you received your notice to
come here?

A My girlfriend.

Q Other than associates?

A No.

Q No lawyers?

A No.

MR. LENZNER: I have no further questions.

Cross Examination

Q (By Ms. Fawcett) Do you know where the boundary line
between Whitney Barrel and the undeveloped land we
have been describing is?

A I have no idea.

Q Did you have any idea in 1968 or 1969?

A I don't know who owned the land then. Like I said, I
just assumed it was part of Whitney's property.

MS. FAWCETT: No more questions.

MR. WELCH: No questions.

MR. LENZNER: Thank you very much for coming
today.

(Whereupon, the deposition was
adjourned at 11:45 A.M.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

J U R A T

I, JOHN CAMERLENGO, have read
the foregoing transcript of
testimony and the same
contains a true and accurate
recording of my answers given
to the questions therein set
forth.

Signed under the pains and
penalties of perjury this _____
day of _____, 1986.

JOHN CAMERLENGO

(OPTIONAL)

Sworn and subscribed before
me this _____ day of
_____, 1986.

NOTARY PUBLIC

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS)
) ss.
COUNTY OF MIDDLESEX)

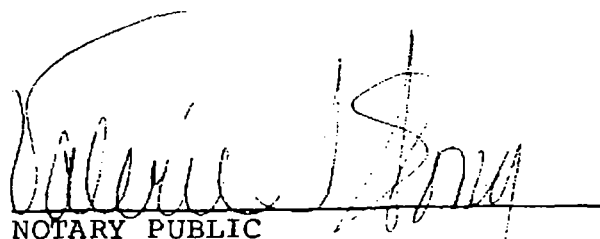
I, Valerie T. Wong, Notary Public within and
for the Commonwealth of Massachusetts, do hereby certify:

That JOHN CAMERLENGO, the witness whose
deposition is hereinbefore set forth, was duly sworn by me
and that such deposition is a true record of the testimony
given.

I further certify that I am not related to
any of the parties to this action by blood or marriage, and
that I am in no way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my seal of office this 15th day of

January, 1986.


NOTARY PUBLIC

My Commission Expires:
November 5, 1987.